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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,799	03/16/2004	Matthew B. MacLaurin	MS306776.01/MSFTP544US	1907
27195 7590 07/14/2008 AMIN, TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114				
EXAMINER PARKER, BRANDON				
ART UNIT 2174		PAPER NUMBER		
NOTIFICATION DATE 07/14/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/801,799

Applicant(s)

MACLAURIN ET AL.

Examiner

BRANDON PARKER

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/13/2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 3-11, 13-18 and 20-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, 13-18 and 20-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

The Appeal Brief filed on 06/13/2008, PROSECUTION IS HEREBY REOPENED and claims 1, 3-11, 13-18 and 20-23 remain pending in the application

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3-11, 13-16, 22 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Card et al (US Patent No. 7,069,518) ('Card hereinafter) in view of Johnson et al (US Publication 20030132953 hereinafter, "Johnson") in further view of Fredlund et al (US Publication 20030128287 hereinafter, "Fredlund") in further view of Raghunath et al (US Patent 7081905 hereinafter, "Raghunath").

Regarding claim 1, Card discloses a system for displaying item collection previews (i.e. multiple page viewing/images of a virtual three-dimensional book, Col. 5 lines 60-64, Claim 1 and 19), comprising: and detected user activities (Col. 9 lines 63-66), Card does not explicitly show at least one display object having **metadata tags describing** two or more **data items** in a collection of data items; a control component configured to selectively animate a presentation of the items based in part on the metadata tags and global controls for collecting unrelated items in a set of items to subsequently preview

the items. However, Johnson discloses a **metadata tag** associated with each **media file** (i.e. data item) that may contain key text based information useful in performing a specific function or action associated with the media file (Par. 0011 lines 8-11).

Johnson discloses a control that can be manipulated by a user to control the media player and/or initiate media player functions (i.e. control component configured to selectively animate a presentation of the items). Additionally Johnson discloses the media is selected (i.e. a global control) from a group (i.e. collection) comprising mp3, wma, wav, wmv, jpg, and mpeg files (i.e. unrelated items).

It would have been obvious to one skilled in the art at the time of invention to combine the metadata tags as taught by Johnson with the three dimensional book of Card to efficiently manage data while navigating a group of files or items.

Card and Johnson do not appear to explicitly show **collecting unrelated items** in a set of items to subsequently **preview** the items. However, Fredlund discloses any sequence of **images** (i.e. a set of items) **unrelated** on the basis of time or location can be combined (i.e. collected) on a Lenticular card wherein the sequence can be selected and **previewed** (Par. 0051 lines 1-6).

It would have been obvious to one skilled in the art at the time of invention to combine the unrelated images as taught by Fredlund to the modified Card/Johnson to effectively and efficiently select and preview a sequence of items on a display.

Fredlund, Card, Johnson do not appear to explicitly show one or more control the presentation of the items, wherein a user utilizes the one or more controller inputs to navigate the collection of data items via selecting an item in the collection, selection of

the item changes the order of the collection and moves the selected item to the front of the collection allowing the user to navigate the rest of the collection in a **finer-grained manner** starting at the selected item.

Raghunath discloses implementing a scroll device for generating scroll events in response to user manipulation thereof, said method steps including the steps of: a) receiving scroll events for incrementally advancing said indicator per scroll event in a first direction to provide **fine grain scroll indicator movement** (Raghunath, Claim 10).

It would have been obvious to one skilled in the art at the time of invention to combine the finer grained scrolling as taught by Raghunath with the item collection previews of the modified Card to effectively scroll from a large collection of items to a more precise scrolling to select items.

Regarding claim 3, in addition to claim 2, Card discloses a system wherein the controller inputs include at least one of a mouse cursor control (i.e. cursor moves), a mouse wheel control, a voice command, an eye-gaze control, and a mechanical control to control the presentation of items (Col. 12 lines 32-42, Col. 15 lines 61-64, Col. 16 lines 34-36).

Regarding claim 4, in addition to claim 1, Card discloses a system wherein the collection of data items (i.e. multiple slide out pages) further comprising a top item displayed as a thumbnail preview (440 Fig. 5B Drawing) or an expanded size preview (420 Fig. 5B Drawing), (Col. 8 lines 28-31). **Note:** Card discloses a partial page (i.e. thumbnail) is zoomed (i.e. an expanded size preview) to allow for the user to read the

text and causing the top portion of the page to tip toward the user in the display until readable.

Regarding claim 5, in addition to claim 1, Card discloses a system further comprising a control to provide a transitional animation (i.e. animating the transition) employed to visually link movement of an axial (i.e. parallel/slider) controller (Col. 6 lines 48-50, Col. 14 lines 8 and 9) with a change in a displayed icon (310 Fig. 3A, 3B Drawing, Col. 6 lines 55-63).

Regarding claim 6, in addition to claim 1, Card discloses a system further comprising a currently selected preview image (i.e. selected, page in view) the currently selected preview image integrated with (i.e. relationship) a collection icon as a reminder of collection contents (i.e. content of the book), (Col. 21 lines 61-64).

Regarding claim 7, in addition to claim 1, Card discloses a system wherein the control component further comprises at least one of an object locator, a command detector (command, Col. 13 lines 20-23), a content analyzer (Col. 17 lines 1-10), and a formatter to selectively animate the presentation of the items (Col. 13 lines 49-53, Col. 12 lines 61-65)

Regarding claim 8, in addition to claim 1, Card discloses a system further comprising a graphical user interface (Fig.11 Drawing) to selectively animate the presentation of items (Col. 12 lines 61-65).

Regarding claim 9, in addition to claim 1, Card discloses a system wherein the graphical user interface further comprising a set of preference controls (i.e. selectively control) configured to change (Col. 12 lines 47-50), by type of item (Col 5. lines 56-62),

preview visualizations (Col. 12 lines 29-31) and access (Col. 10 lines 34-36) behaviors associated (i.e. create a customized index) therewith (Card Claim 1).

Regarding claim 10, in addition to claim 1, Card discloses a system wherein the items include one or more subcomponents configured to be previewed (i.e. thumbnail Col. 7 line 24), selected (i.e. click on the page, (Col 7 lines 65 and 66), or displayed (Col. 7 lines 14-16).

Regarding claim 11, in addition to claim 1, Card discloses a system wherein the items can be previewed in two dimensional (two facing pages) or three-dimensional form (i.e. three-dimensional book),(Col. 6 lines 38-47).

Regarding claim 13, in addition to claim 1, Card discloses a system further comprising controls to scale the items to be previewed (Col. 9 lines 49-52, 63-66).

Regarding claim 14, in addition to claim 1, Card discloses a system, further comprising a control to determine a rough position in a collection of items (Col. 12 lines 19-31).

Regarding claim 15, in addition to claim 1, Card discloses a computer readable medium having computer readable instructions stored thereon for implementing at least one of the display object (Card Claim 36) and the control component (Col. 9 line 65).

Regarding claim 16, in addition to claim 1, Card discloses a system configured to facilitate information preview from a collection (Col. 5 lines 60-64, Claim 19), comprising: means for displaying a set of information items (i.e. list of items),(Col. 10 lines 7-10); means for selecting the set of information items (Col. 21 lines 61-64); means for detecting a value (1 Fig. 8 Drawing) with respect to the set of information items (i.e. chapter tabs), (Col. 10 lines 57-62); and means for previewing the information

items(805 Fig. 8 Drawing) based upon incrementing (i.e. upward) or decrementing (i.e. downward) the value (Col. 10 lines 53-56). Note: Card discloses an "Intrinsic DOI" value which can be based on the nature of the object with a value of -1 and all other objects assigned a degree of interest value of -2 (Col. 9 lines 1-8). Card does not explicitly show selecting the set of information items to find an approximate position of an item in the set of information items, wherein selection of the item changes the order of the set and moves the selected item to the front of the set; means for allowing a user to navigate the rest of the set in a finer grained manner starting at the selected item.

Raghnunath discloses implementing a scroll device for generating scroll events in response to user manipulation thereof, said method steps including the steps of: a) receiving scroll events for incrementally advancing said indicator per scroll event in a first direction to provide **fine grain scroll indicator movement** (Raghnunath, Claim 10).

It would have been obvious to one skilled in the art at the time of invention to combine the finer grained scrolling as taught by Raghnunath with the item collection previews of the modified Card to effectively scroll from a large collection of items to a more precise scrolling to select items.

Regarding claim 22, Card discloses a graphical user interface, comprising: a display object for displaying a group of pages (Fig. 8 Drawing); a tag (i.e. chapter tab) associated with each member page from the group of pages (i.e. book), (Col. 10 lines 57-59); a cursor to select (i.e. user selectable) the group of pages (i.e. three dimensional book); an axial controller (i.e. slider) to cycle (i.e. navigate) the group of pages, (Col. 10 lines 49-54, Col. 14 lines 8 and 9). Card does not explicitly show a tag

associated with each member page from the group of pages, cycling the group of pages using the **associated tags**, global controls for **accumulating dissimilar items** in a set of items to later preview the items. Johnson discloses a **metadata tag** associated with each **media file** that may contain key text **based information useful** in performing a specific function or action **associated with the media file**, (Par. 0011 lines 8-11). Additionally Johnson discloses the media is selected (i.e. a global control) from a group (i.e. collection) comprising mp3, wma, wav, wmv, jpg, and mpeg files (i.e. unrelated items). Card and Johnson do not appear to explicitly show **collecting unrelated items** in a set of items to subsequently **preview** the items. However, Fredlund discloses any sequence of **images** (i.e. a set of items) **unrelated** (i.e. dissimilar) on the basis of time or location can be combined (i.e. accumulated) on a Lenticular card wherein the sequence can be selected and **previewed** (Par. 0051 lines 1-6).

It would have been obvious to one skilled in the art at the time of invention to combine the metadata tags as taught by Johnson with the three dimensional book of Card to efficiently manage data while navigating a group of files or items and further combine the unrelated images as taught by Fredlund to the modified Card to effectively and efficiently select and preview a sequence of items on a display.

Regarding claim 23, in addition to claim 22, Card discloses a graphical user interface wherein the axial controller (i.e. slider) causes a transition animation (i.e. animating the transition) between pages when cycling (i.e. navigate) the group of pages (i.e. three dimensional book), (310 Fig. 3A, 3B Drawing, Col. 6 lines 55-63, Col. 14 lines 8 and 9, Col. 10 lines 49-54).

Claims 17, 18, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Card et al (US Patent No. 7,069,518) ("Card hereinafter) in view of Fredlund et al (US Publication 20030108287 hereinafter, "Fredlund") in further view of Raghunath et al (US Patent 7081905 hereinafter, "Raghunath").

Regarding claim 17, Card discloses a method to facilitate information previews from a set of items, comprising: selecting a stack (i.e. book) of display items with a first control (i.e. clicking), (Col. 12 lines 18-24); and cycling (i.e. simulating page turning) the stack of display items (i.e. book) with a second control (i.e. holding a mouse button while making a rightward gesture, page flipping, showing a fraction of a page) in order to provide an information preview (i.e. view) with respect to at least one of the items (i.e. page),(Col. 12 lines 18-32, 33-38, 61-63). Card does not explicitly disclose a third control for **gathering dissimilar items** in a set of items to consequently **preview** the items. However, Fredlund discloses any sequence of **images** (i.e. a set of items) unrelated (i.e. dissimilar) on the basis of time or location can be combined (i.e. gathered) on a Lenticular card wherein the sequence can be selected and **previewed** (Par. 0051 lines 1-6).

It would have been obvious to one skilled in the art at the time of invention to combine the unrelated images as taught by Fredlund with the three dimensional book of Card to efficiently allow users to preview a large number of files across a display.

Card and Fredlund does not show employing the first control to find an approximate position of an item in the stack of display items

Raghunath discloses implementing a scroll device for generating scroll events in response to user manipulation thereof, said method steps including the steps of: a) receiving scroll events for incrementally advancing said indicator per scroll event in a first direction to provide **fine grain scroll indicator movement** (Raghunath, Claim 10).

It would have been obvious to one skilled in the art at the time of invention to combine the finer grained scrolling as taught by Raghunath with the item collection previews of the modified Card to effectively scroll from a large collection of items to a more precise scrolling to select items.

Regarding claim 18, in addition to claim 17, Card discloses a method further comprising providing a transitional display (i.e. animation) (Col. 12 lines 61-63) for at least two display items (i.e. facing page and following page) in accordance with the second control (i.e. showing a fraction of a page), (Col. 13 lines 1-3).

Regarding claim 20, in addition to claim 17, Card discloses a method the information preview is associated with at least one of a display configured to be about the same size as the stack, smaller than the stack, and larger than the stack (i.e. the stack, 440 Fig. 5B Drawing).

Regarding claim 21, in addition to claim 17, Card discloses a method wherein the first control (i.e. clicking) is associated with a cursor which is controlled by a mouse (Col. 16 lines 28-33, 34-36) and wherein the second control is associated with a wheel of the mouse.

Response to Arguments

Response to Arguments

1. In view of the Appeal Brief filed on 06/13/2008, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is a non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendment, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. Applicant's arguments with respect to claims 1, 3-11, 13-18 and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRANDON PARKER whose telephone number is (571)270-1302. The examiner can normally be reached on M-F 9-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/BRANDON PARKER/
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07/06/2008

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